



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**M 06 2012**

REPLY TO THE ATTENTION OF:  
SC-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Bedford Anodizing Co.  
Attn.: Mr. Thomas E. DeWeese, President/Owner  
7860 Empire Parkway  
Macedonia, Ohio 44056-2144

US EPA RECORDS CENTER REGION 5



Bedford Anodizing Realty Co., Inc.  
Attn.: Mr. Thomas E. DeWeese, Registered Agent  
7860 Empire Parkway  
Macedonia, Ohio 44056-2144

Re: No Response to Request for Information Pursuant to Section 104 of CERCLA for  
Bedford Anodizing Site, Macedonia, Summit County, Ohio  
Site Spill Identification Number: C518

Dear Mr. DeWeese:

On May 25, 2012, the U.S. Environmental Protection Agency issued an information request to you as president/owner of Bedford Anodizing Co. and as registered agent of Bedford Anodizing Realty Co., Inc., pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9604(e). United Parcel Service served the information request on you on May 29, 2012. This information request required you to provide certain documents and information within 30 calendar days of receipt. A copy of this information request is enclosed.

Although the deadline for your response has passed, EPA has not received any response to the information request. EPA therefore requests that you comply immediately with that information request. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203 (b). EPA will disclose information covered by such a claim only to the extent, and only by means of the procedures,

provided in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you.

Continued failure to comply with EPA's information request, or to adequately justify such failure to respond, may subject you to an enforcement action seeking to compel compliance and collect penalties of up to \$37,500 per day of noncompliance pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5) and as adjusted by 69 Fed. Reg. 7121-27 (Feb. 13, 2004) (codified at 40 C.F.R. § 19.4) pursuant to the Debt Collection Improvement Act of 1996. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

Please contact Assistant Regional Counsel Gary Steinbauer at (312) 886-4306 or [steinbauer.gary@epa.gov](mailto:steinbauer.gary@epa.gov) if you have any legal questions regarding this matter. Please direct all other questions to Sally Jansen, Enforcement Services Section 1, at (312) 353-9046.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sharon Jaffess", with a long horizontal flourish extending to the right.

Sharon Jaffess, Chief  
Enforcement and Compliance Assurance Branch

Enclosure

cc: Jos. P. Koncelik, Esq., Frantz Ward LLP, 2500 Key Center, 127 Public Square, Cleveland, Ohio 44114



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**MAY 25 2012**

REPLY TO THE ATTENTION OF:

SC-5J

**VIA UPS**

Bedford Anodizing Co.  
Att: Mr. Thomas E. DeWeese,  
President/Owner  
7860 Empire Parkway  
Macedonia, OH 44056-2144

Re: Request for Information Pursuant to Section 104 of CERCLA for the  
Bedford Anodizing Site, Macedonia, Summit County, Ohio  
Site Spill Identification Number: C518

Dear Mr. DeWeese:

The United States Environmental Protection Agency is requesting information and documents relating to the contamination of the Bedford Anodizing Superfund Site at 7860 Empire Parkway in Macedonia, Summit County, Ohio.

EPA is issuing this Information Request under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9604(e)(2), which authorizes EPA to require the submission of information or documents relating to the following:

- (A) The identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

As stated in the General Notice of Potential Liability letter, dated June 2, 2011, EPA has received information that Bedford Anodizing Co. and Bedford Anodizing Realty Co. (collectively, the PRPs) own and/or operate a facility on the Site at or from which hazardous substances were disposed of and/or released. After the PRPs claimed that they did not have the funds to pay for a removal action, EPA initiated a fund-lead removal action at the Site. Between April 15, 2011, and June 15, 2011, EPA removed contaminated sediment at the Site and on

neighboring property. EPA is requesting the information in Enclosure B to determine whether the PRPs have the ability to pay for the costs associated with EPA's removal action.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request using the instructions in Enclosure A to respond to the questions in Enclosure B within 30 calendar days of your receipt of this letter.

Compliance with the Information Request is required by law. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. Under 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph, and sentence when identifying the information subject to your claim. Enclosure A outlines the procedures for asserting and supporting your claim of confidentiality.

If you have information about other parties who may have information that may assist EPA in its investigation of the Site, or who may be responsible for the contamination at the Site, that information should be submitted within the time period noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. §§ 3501 *et seq.*, because it seeks to collect information from specific individuals or entities as part of an administrative investigation.

Please mail your response to this Information Request to:

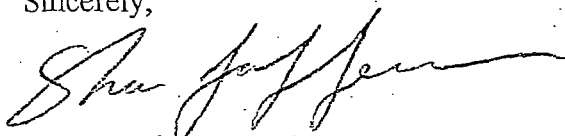
Sally Jansen  
Enforcement Specialist  
U.S. Environmental Protection Agency  
Enforcement Services Section 1, SE-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Site, or the cleanup activities, please contact On-Scene Coordinator Stephen Wolfe at (440) 250-1718 or wolfe.stephen@epa.gov. Please direct legal questions about this Information Request to Assistant Regional Counsel Gary Steinbauer at (312) 886-4306 or steinbauer.gary@epa.gov.

If you have specific questions about the Information Request, please contact Enforcement Specialist Sally Jansen at (312) 353-9046 or [jansen.sally@epa.gov](mailto:jansen.sally@epa.gov).

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Jaffess", written in a cursive style.

Sharon Jaffess, Chief  
Enforcement and Compliance Assurance Branch

Enclosures

cc: Jos. P. Koncelik, Esq., Frantz Ward LLP, 2500 Key Center, 127 Public Square, Cleveland,  
Ohio 44114

## ENCLOSURE A

### BEDFORD ANODIZING SITE MACEDONIA, SUMMIT COUNTY, OHIO

#### INSTRUCTIONS AND DEFINITIONS FOR INFORMATION REQUEST

##### Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E) and (F) and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. the portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event or permanently);

- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA's verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

7. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within 14 calendar days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s) and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request you are still required to respond to each of the questions.

10. Response Must be Certified. You or a responsible agent must submit all requested information under authorized signature(s) with the following certification:



I certify under the penalty of law that I have examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiring of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

## Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "**arrangement**" means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term "**documents**" includes any written, recorded, computer-generated or visually or aurally reproduced material of any kind in any medium in your possession, custody or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.
3. The term "**hazardous substance**" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
4. The term "**identify**" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
5. With respect to a corporation, partnership or other business entity (including a sole proprietorship), the term "**identify**" means to provide its full name, address and affiliation with the individual and/or company to whom/which this request is addressed.
6. The term "**material**" or "**materials**" shall mean any and all objects, goods, substances or matter of any kind, including but not limited to wastes.
7. The term "**person**" shall include any individual, firm, unincorporated association, partnership, corporation, trust or other entity.
8. The term "**pollutant or contaminant**" shall include, but not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.



9. The term "**real estate**" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

10. The term "**release**" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

11. The term "**Site**" shall mean the Bedford Anodizing Superfund Site located at 7801 Empire Parkway in Macedonia, Summit County, Ohio.

12. The term "**waste**" or "**wastes**" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances and pollutants or contaminants, whether solid, liquid or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

13. The term "**you**" or "**Respondent**" shall mean the addressee of the cover letter to this enclosure. The term "**you**" also includes any officer, managers, employees, contractors, trustees, successors, assigns, and agents of Respondent.

## **ENCLOSURE B**

### **BEDFORD ANODIZING SITE MACEDONIA, SUMMIT COUNTY, OHIO**

#### **REQUESTS**

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents or information, identify such person(s) and the specific Request(s) that such person(s) may be able to provide a more detailed or complete response and/or additional responsive documents or information.
4. Provide signed copies of Respondent's federal corporate income tax returns for the last 5 years. Please also provide copies of all schedules (e.g., Schedule K-1s, consolidating schedules), attachments, and statements. The copies should include everything that was submitted to the Internal Revenue Service.
5. Provide Respondent's audited financial statements for the last 5 years, including balance sheets, income statements, statements of cash flows, notes, and auditor's opinion. If audited statements were not prepared, unaudited statements are acceptable. If Respondent did not prepare formal financial statements, year-end income statements, balance sheets, and statements of cash flows for the last 5 years are acceptable. If any statements were prepared on a consolidated basis, provide copies of all consolidating schedules.
6. Provide the address and approximate market value of any real estate owned by Respondent or any of its subsidiaries. Additionally, if any properties have been sold or transferred since April 8, 2011, please list: (a) the date and terms of the sale/transfer, and (b) the recipient/buyer.
7. Describe all transfers of anything of value by Respondent or on its behalf to persons or entities affiliated with Respondent. This question is limited to transfers that have occurred since April 8, 2011. For each such transfer, please state the amount, the date, the reason for and nature of the transfer (e.g., common stock dividend, officer compensation, loan forgiveness) and the full name of the recipient. For purposes of this question, (i) a "transfer of anything of value" includes dividends, bonuses, perquisites, cancellation, forgiveness or deferral of loans, compensation of an officer, director or employee, and sales of property, and (ii) the term "persons or entities affiliated with Respondent" includes Respondent's shareholders (including holders of preferred stock and individuals owning directly or indirectly an interest in Respondent's stock), relatives of those shareholders, and entities directly or indirectly controlled by Respondent, their shareholders or their relatives.

8. Regarding Respondent's debts, including loans owed to shareholders, but not including trade debts:

a. Provide all documents reflecting the terms of each debt, including loan agreements, commitment letters, lines of credit, guarantees, liens, and security agreements. Please provide the complete version of each document, with all schedules, attachments and addendums.

b. State the amount currently owed with respect to each debt.

c. If a written agreement for a debt does not exist, please briefly describe each such debt, including: (i) the borrower or recipient, (ii) the interest rate, (iii) the repayment schedule, (iv) whether additional sums may be obtained by Respondent or its affiliates under an oral agreement or understanding related to the debt, (v) the date the debt was incurred, (vi) associated collateral and/or guarantees, (vii) covenants, (viii) late payment provisions, and, (ix) if not already provided, the amount currently owed.

d. Describe all significant transactions involving Respondent in the last 5 years, including asset sales, asset purchases, major loans, mergers, stock purchases, and stock sales.

9. Please: (a) describe all entities affiliated with Respondent, and describe all transactions that occurred between Respondent and its affiliates during the last 5 years, and (b) briefly describe the nature of the relationship between the affiliate and Respondent. For purposes of this question, affiliates include (i) entities owning stock in Respondent directly or indirectly, (ii) entities owned in whole or in part by Respondent, directly or indirectly, (iii) entities with substantially the same legal or beneficial ownership as Respondent, and (iv) entities directed or managed by persons who were either themselves directors or officers of Respondent, or who were related to directors or officers of Respondent.

10. For the period Respondent first owned and/or operated the Site to the present, provide copies of all property, casualty, and/or liability insurance policies, and any other insurance contracts referencing the Site or facility (including, but not limited to, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies, Institutional Controls and Post Remediation Care Insurance). Include any and all policies providing Respondent with insurance for loss or damage to the Site property.

11. To the extent not provided in Question 10 above, provide copies of all insurance policies that may potentially provide Respondent with insurance for bodily injury or property damage in connection with the Site and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability). Include, without limitation, all primary, excess, and umbrella policies.

12. If there are any such policies from Questions 10 or 11 above of which you are aware but have no copies, identify each such policy to the best of your ability by identifying:

- a. The name and address of each insurer and of the insured;
- b. The type of policy and policy numbers;
- c. The per occurrence policy limits of each policy; and
- d. The effective dates for each policy.

13. Identify all insurance brokers or agents who placed insurance for Respondent at any time during the period being investigated as identified in Question 10, and identify the time period during which such broker or agent acted in this regard.

14. Identify all communications and provide all documents that evidence, refer, or relate to claims made by or on behalf of Respondent under any insurance policy in connection with the Site. Include any responses from the insurer with respect to any claims.

15. Identify any previous settlements with any insurer in connection with the Site, or for any claims for environmental liabilities during the time period in questions. Include any policies surrendered or cancelled by the Respondent or insurer.

16. Identify any and all insurance, accounts paid, or accounting files that identify Respondent's insurance policies.

17. Please provide any additional information that Respondent believes supports its claim that it lacks an ability to pay its portion of Site response costs.

18. Identify Respondent's policy with respect to document retention. If Respondent has a written document retention policy or schedule, provide a copy of any such policy or schedule.